

FILED
JANUARY 17, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RIYAD ALGHABEN,

Plaintiff,

vs.

HUNTER WARFIELD,

Defendant.

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Civil Action No.

08 C 388

COMPLAINT

**JUDGE GRADY
MAGISTRATE JUDGE ASHMAN**

NOW COMES the Plaintiff, RIYAD ALGHABEN, by and through his attorneys,
LARRY P. SMITH & ASSOCIATES, LTD., complaining against the Defendant,
HUNTER WARFIELD, and alleging as follows:

PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereafter the "FDCPA"), 15 U.S.C. §1692, et seq.

JURISDICTION AND VENUE

2. Jurisdiction arises under the Fair Debt Collection Practices Act, 15 U.S.C. §1692, et seq.

PARTIES

3. Plaintiff, Riyad Alghaben ("Plaintiff"), is an individual who was at all relevant times residing in the City of Oak Brook, State of Illinois.

4. At all relevant times herein, Defendant, Hunter Warfield, ("Defendant") acted as a debt collector within the meaning of 15 U.S.C. §1692a(6) in that it held itself out to be a company collecting a debt alleged owed to Versailles on the Lakes and AMLI at Danada Farms.

5. Defendant is a corporation that has its principal place of business and its offices located in Tampa, Florida.

COUNT ONE
VIOLATIONS OF THE FDCPA

6. Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.

7. Defendant began collection of the aforementioned debt in part by placing the debt on Plaintiff's credit report.

8. In February of 2007, Plaintiff submitted a written dispute to one or more credit reporting agencies regarding the account, or trade-line, reported by Defendant.

9. Upon information and belief, within five (5) days of Plaintiff notifying said credit reporting agencies, said agencies notified Defendant of the Plaintiff's dispute and the nature of the dispute.

10. However, Defendant disseminated credit report information regarding the account and as in collections and failed to report that the account is currently disputed by Plaintiff.

11. Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. §1692 in one or more of the following ways:

- a. Communicated or threatened to communicate to any person credit information which is known or which should be known to be false, including the failure to communicate that a disputed debt is disputed in violation of 15 U.S.C. §1692e(8); and
- b. Misrepresented the amount of the debt as owing more than that which is actually owed in violation of 15 U.S.C. §1692e(2)(A)'

- c. Was otherwise deceptive and failed to comply with the Fair Debt Collection Practices Act.

12. As a result of Defendant's violations as aforesaid, Plaintiff suffered and continues to suffer personal humiliation, embarrassment, mental anguish and emotional distress.

WHEREFORE, Plaintiff, RIYAD ALGHABEN, by and through his attorneys, respectfully prays for judgment as follows:

- a. All actual compensatory damages suffered;
- b. Statutory damages of \$1,000.00 for Plaintiff;
- c. Plaintiff's attorneys' fees and costs;
- d. Any other relief deemed appropriate by this Honorable Court.

*****PLAINTIFF REQUESTS A TRIAL BY JURY*****

Respectfully Submitted,
RIYAD ALGHABEN

By: s/Larry P. Smith
Attorney for Plaintiff

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